

1 IN THE CIRCUIT COURT FOR
2 BARBOUR COUNTY, ALABAMA
3

4 CASE NUMBER: CV-96-215

5 RICHARD L. SEABORN,
6

7 Plaintiff,
8

9 vs.
10

11 R.J. REYNOLDS TOBACCO COMPANY, et al.,
12

13 Defendants.
14

15 DEPOSITION TESTIMONY OF:
16

17 ROBERT HUFFMAN
18

19 JUNE 8, 1999
20

21 BEFORE:
22

23 TERRY E. CRUTCHFIELD, COMMISSIONER, RPR

COPY

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STIPULATIONS

IT IS STIPULATED AND AGREED, by
and between the parties through their
respective counsel, that the deposition
of:

ROBERT HUFFMAN,

may be taken before Terry E. Crutchfield,
R.P.R., Commissioner and Notary Public, at
the law offices of Lightfoot, Franklin &
White, L.L.C., The Clark Building, 400
20th Street North, Birmingham, Alabama, on
the 8th day of June, 1999, commencing at
about 10:55 a.m.

IT IS FURTHER STIPULATED AND
AGREED that it shall not be necessary for
any objections to be made by counsel as to
any question, and that counsel for the
parties may make objections and assign
grounds at the time of the trial, or at
the time said deposition is offered in
evidence, or prior thereto.

IT IS FURTHER STIPULATED AND
AGREED that notice of the filing of the

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1 deposition by the Commissioner is waived.

2 In accordance with Rule 5(d) of
3 the Alabama Rules of Civil Procedure, as
4 amended, effective May 15, 1988, I, TERRY
5 E. CRUTCHFIELD, am hereby delivering to
6 MR. R. GRAHAM ESDALE, the original
7 transcript of the oral testimony taken on
8 the 8th day of June, 1999.

9 Please be advised that this is
10 the same and not retained by the Court
11 Reporter, nor filed with the Court.

12
13
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21
22
23
in

HUMPHREY

51938 9132

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I N D E X

EXAMINATION BY:

PAGE

MR. ESDALE

8

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A P P E A R A N C E S

APPEARING ON BEHALF OF THE PLAINTIFF:

BEASLEY, ALLEN, CROW, METHVIN, PORTIS &

MILES, P.C.

MR. R. GRAHAM ESDALE

218 Commerce Street

Montgomery, Alabama 36103

APPEARING ON BEHALF OF THE DEFENDANTS:

LIGHTFOOT, FRANKLIN & WHITE, L.L.C.

MR. LEE M. HOLLIS

The Clark Building

400 20th Street North

Birmingham, Alabama 35203

JONES DAY, REAVIS & POGUE

MR. RICHARD G. STUHAN

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

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A P P E A R A N C E S

(Continued)

APPEARING ON BEHALF OF THE DEFENDANTS:

WILLIAMS, POTTHOFF & WILLIAMS

MR. HORACE G. WILLIAMS, III

125 South Orange Avenue

Eufaula Alabama 36027

BEFORE

Terry E. Crutchfield, Commissioner, RPR

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1 , Terry E. Crutchfield, Court
2 Reporter, acting as Commissioner, certify
3 that on this date as provided by Rule 30
4 of the Alabama Rules of Civil Procedure,
5 and the foregoing stipulations of counsel,
6 there came before me at the law offices of
7 Lightfoot, Franklin & White, L.L.C., The
8 Clark Building, 400 20th Street North,
9 Birmingham, Alabama, on the 8th day of
10 June, 1999, commencing at or about 10:55
11 a.m. ROBERT HUFFMAN, witness in the above
12 cause, for oral examination, whereupon,
13 the following proceedings were had.

14
15 ROBERT HUFFMAN,
16 having been first duly sworn, was examined
17 and testified as follows:

18
19 THE REPORTER: Usual
20 stipulations?

21 MR. STUHAN: The same
22 stipulations that we had for the first
23 deposition today.

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1 MR. ESDALE: And I assume he
2 will want to read and sign, also?

3 MR. STUHAN: That's correct.

4
5 EXAMINATION BY MR. ESDALE:

6 Q. Will you state your name,
7 please, sir?

8 A. Robert Huffman.

9 Q. Do you go by Bob?

10 A. Yes.

11 Q. And where do you live, Mr.
12 Huffman?

13 A. You want the complete address?

14 Q. Sure.

15 A. 2077 Cahaba Crest Drive,
16 Birmingham, Alabama 35242.

17 Q. How are you employed?

18 A. I'm sales manager for City
19 Wholesale Grocery, Incorporated.

20 Q. Who owns City Wholesale?

21 A. The Dichiaro family.

22 Q. Have they always owned it?

23 A. The best of my knowledge, it's

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1 some form of the Dichiaras. It was Pete
2 Dichiara and somebody else that formed it
3 or bought it. It was a little truck
4 jobber or something at one time, and it's
5 grown to what it is now.

Q. How long have you worked for
City Wholesale?

A. This October the 1st will be two
years. So a year and eight months or six
months or seven months.

Q. October 1, '97?

A. Yeah, yes.

Q. Before going to work -- well,
let me cover that real quick while we're
on it since it's not too long a time
period. What are your job duties and
responsibilities with City Wholesale?

A. I'm in charge of the account
managers and service all the accounts in
Alabama, part of Georgia, Panhandle of
Florida, part of Mississippi, and a little
bit of Tennessee.

Q. How many folks do you have

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1 working under you?

2 A. I have seventeen account
3 managers, two HBC employees.

4 Q. What are those?

5 A. They just rack jobs. They go in
6 and work the tooth brushes and toothpaste
7 and medicines and stuff of this sort. I
8 have a secretary, and then I have an
9 administrative assistant that works three
10 days a week, and then I have a training
11 manager.

12 Q. Are there sales people under the
13 account managers?

14 A. They are the account managers.

15 Q. Okay.

16 A. That's what we call them now.

17 Q. All right.

18 A. Because we formed two different
19 groups, a business development unit and
20 account manager, so we just -- it's a
21 fancy way of saying a sales rep, I guess.

22 Q. Y'all sell what types of
23 products?

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1 A. We sell grocery, candy, health
2 and beauty products, food service which is
3 nacho cheese and slush puppy, cigarettes,
4 tobacco, oil, store supplies, bags, toilet
5 paper, just anything you see in a
6 convenience store, novelties. We sell it
7 all.

8 Q. And that's -- y'all's primary
9 base. I assume, customer base, is
10 convenience stores?

11 A. I would say at least eighty-five
12 percent.

13 Q. Before going to work for -- oh,
14 real quick. Have your job
15 responsibilities been basically the same
16 for the last two years or since you've
17 been at City Wholesale?

18 A. No. When I started, I was a
19 tobacco category consultant, and that
20 lasted about six months.

21 Q. What did you do as a tobacco
22 category consultant?

23 A. I went around and evaluated the

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1 merchandise and the tobacco products, help
2 with store resets.

3 Q. Were you still receiving any pay
4 from R.J. Reynolds at the time you were
5 doing that?

6 A. No.

7 Q. How would you go about
8 evaluating merchandise, if you can just
9 give me some examples?

10 A. I looked at the lineup of the
11 cigars and tobacco products and where they
12 were merchandised, and we talked to the
13 dealers about merchandising them in a
14 better way, grouping the different brands
15 together, grouping the different styles.

16 Q. When you say dealers, are you
17 speaking of your actual customers?

18 A. Yes, the convenience store
19 operators.

20 Q. Okay. Did that include
21 cigarettes, also?

22 A. Very limited, because cigarettes
23 are always merchandised in an overhead

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1 fixture or a spring load, so I didn't get
2 into that.

3 Q. How were you employed before
4 going to work for City Wholesale?

5 A. The previous job, I was with
6 Williamson Oil.

7 Q. Where are they located?

8 A. Fort Payne, Alabama.

9 Q. How long did you work for
10 Williamson Oil?

11 A. About eighteen months, I think.

12 Q. And what type of job were you
13 doing with Williamson Oil?

14 A. I was the tobacco category
15 manager.

16 Q. Were you doing the same type of
17 things with Williamson Oil as you just
18 described to me about with City Wholesale?

19 A. Basically. We were trying to
20 improve the cigar and tobacco category.
21 We reset every one of the eighty-eight
22 convenience stores, putting in a new
23 tobacco section, cigars and all the

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1 paraphernalia that goes with it, and
2 limited the cigarettes really. I mean, we
3 reduced the amount of cigarettes on the
4 floor and changed them around. They had
5 too much fixtures.

6 Q. You say you had too many or --

7 A. Had too much fixture for the
8 amount of products that needed to be on
9 the floor.

10 Q. Okay.

11 A. So we eliminated them and put
12 lock-ups on them and security fixtures.

13 Q. Did Williamson Oil own all their
14 own stores?

15 A. The eighty-eight that I worked
16 with he did.

17 Q. What type of geographic
18 territory was that in?

19 A. I guess mostly North Alabama,
20 Huntsville, Fort Payne, Anniston, Oxford,
21 Sylacauga. He had three in Georgia.

22 Q. Were these primarily gas
23 stations or a combination?

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1 A. Gas convenience stores.
2 Convenience stores with gas pumps.

3 Q. Right. Were they any certain
4 types of gasoline, or was it just a
5 general --

6 A. He had the -- he had the
7 franchise rights for Shell, Chevron,
8 Exxon, an independent, and he was
9 negotiating with Texaco. So he was a --
10 he had an oil business, he had a wholesale
11 business, and he had a convenience
12 business.

13 Q. Okay. Were you on salary
14 continuation from R.J. Reynolds when you
15 were working for Williamson Oil?

16 A. Partially. It ended when I was
17 with them.

18 Q. Okay. Were you still performing
19 any duties or responsibilities for R.J.
20 Reynolds at the same time you were working
21 for Williamson?

22 A. No.

23 Q. Did you work for R.J. Reynolds

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1 prior to going to work for Williamson Oil?

2 A. Yes.

3 Q. How long did you work for R.J.
4 Reynolds?

5 A. I had a break in service. I
6 started September the 2nd, 1968. Worked
7 through until the first of November of
8 1973, somewhere in the first of November.
9 I went back with them in February of 1977
10 and worked until I went to work for
11 Williamson. I don't know what -- I don't
12 even know. '95, I guess, or '96. '95, I
13 guess.

14 Q. What --

15 A. And I took an early retirement,
16 you know, twenty-five years.

17 Q. What were your -- when you
18 started in '68, what did you do?

19 A. I was a sales rep.

20 Q. Did you stay a sales rep from
21 '68 to '73?

22 A. Yes.

23 Q. Where did you work?

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1 A. I started in the Norfolk,
2 Virginia division working Hampton and
3 Newport News. I worked there for one
4 year, and they transferred me to North
5 Carolina out of the Goldsboro, North
6 Carolina division. I worked seven
7 counties in North Carolina at that time.

8 Q. From 1968 to 1973, were your job
9 duties and responsibilities as a sales rep
10 basically the same, just in different
11 locations?

12 A. Yes.

13 Q. What were those?

14 A. Calling on all the accounts in
15 an assigned territory and selling
16 promotions and increasing distribution on
17 our product, tobacco and cigarettes.

18 Q. What type of promotions would
19 you sell back in that time period, if you
20 recall?

21 A. We were working very limited
22 cigarette promotions. We had a display
23 once a month, might have been two cartons

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1 of Regular Camels and a Camel Filter and
2 put it in a little cardboard thirty-pack
3 display. Mainly we were working pipe
4 tobacco and chewing tobacco. We were
5 working -- we had a vast line of pipe
6 tobacco and chewing tobacco, and we were
7 working pipe deals and pound cans and all
8 kinds of chewing tobacco.

9 Q. To your knowledge, was there any
10 reason for concentrating on pipe tobacco
11 and chewing tobacco during that time
12 period?

13 A. No, I have no -- I cannot
14 recall. I'll say that.

15 Q. You didn't receive any, to your
16 knowledge, literature explaining the
17 reasons for concentrating on that or
18 asking you to concentrate on that?

19 A. No.

20 Q. Were you still a sales rep when
21 you left in '73?

22 A. Yes.

23 Q. You came back to work in 1977?

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1 A. Yes.

2 Q. In what capacity?

3 A. Sales rep.

4 Q. How long did you stay in that
5 capacity?

6 A. About fourteen months.

7 Q. Were your job duties and
8 responsibilities basically the same in '77
9 as they had been in '68 through '73?

10 A. Very similar.

11 Q. Were you still promoting pipe
12 tobacco and chewing tobacco at that period
13 of time, if you recall?

14 A. I think we still had it at that
15 time. I don't think it would have been
16 sold.

17 Q. Do you recall about -- well, I
18 assume it was sold at some point in time?

19 A. Yes. Sometime on my second
20 trip, they sold out the tobacco part.

21 Q. Being products other than
22 cigarettes?

23 A. Yes.

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1 Q. Where were you located in '77?

2 A. I was still out of the Goldsboro
3 division, but I worked the Greenville,
4 North Carolina assignment for six months.

5 Q. In -- I assume you were promoted
6 or transferred after approximately
7 fourteen months?

8 A. Promoted.

9 Q. To what position?

10 A. Assistant division manager in
11 Charlotte, North Carolina.

12 Q. How did your job duties and
13 responsibilities change as an assistant
14 division manager?

15 A. I was over the sales reps we had
16 at that time. I worked with them and
17 trained them, evaluated them.

18 Q. Can you go through a little bit
19 of what the training involved?

20 A. Yes. Making sure they knew how
21 to do all the paperwork involved, making
22 sure they knew how to write up the calls,
23 how to -- how to rotate product, how to

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1 read code dates, how to maintain freshness
2 of the product, keep it neat and fresh.
3 They were covering their assignment and
4 making sure that our displays were placed
5 in the position that had been agreed upon.

Q. Were there any formal training
procedures, or is this something you did
on your own, or was it like a training
book or anything like that?

A. We had training guidelines. We
had a course called PSS, which is
Professional Selling Skills, and that was
administered. It just taught a salesman
how to handle objections and how to listen
instead of talk.

We also had regimented training
schedules telling us exactly how many days
we needed to work with the new salesmen and
making sure that the forms were filled out
correctly and all the paperwork was done
and how to read the code dates and -- you
know, it was a check-off sheet, so many
this week, so many the following week.

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1 Q. Were you ever at any time prior
2 to -- well, let's talk about dates real
3 quick. When -- do you think it was in
4 1978 that you were made assistant division
5 manager?

6 A. Yes.

7 Q. And how long were you in that
8 position?

9 A. About a little over three years.

10 Q. Until sometime in 1981, you
11 think?

12 A. Yes.

13 Q. And --

14 A. I reported to Charleston, South
15 Carolina April the 1st, 1981.

16 Q. All right. And what --

17 A. As a division manager.

18 Q. How long were you there?

19 A. A little over four years.

20 Q. And then sometime in '85?

21 A. Dates are kind of -- somewhere
22 '85 to, I think -- toward Christmas of
23 '85, I was promoted to chain accounts

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1 manager out of the Richmond, Virginia
2 region based in Virginia Beach.

3 Q. How long did you stay there?

4 A. I think two years, maybe just a
5 little bit more than two years. It -- you
6 know, it's back -- I don't -- I don't know
7 the exact dates. But they closed that
8 chain accounts office because of
9 consolidation of chains. It was less
10 people to call on. There was a chain
11 accounts manager in Richmond and one in
12 Virginia Beach, so they transferred me to
13 Birmingham, Alabama, and we opened an
14 office here.

15 Q. Y'all had not previously had an
16 office in Birmingham?

17 A. We had one, but there was a lot
18 more chains in this area and Tennessee, so
19 the chain accounts manager here took the
20 Tennessee area, and I took the Birmingham
21 area.

22 Q. Okay. And that was in -- again,
23 I know --

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1 A. I think '86, '86 or --

2 Q. I understand for the purpose of
3 the deposition is your best estimate.

4 A. Yeah, best estimate.

5 Q. At any time -- let's talk about
6 first training. Were y'all trained or did
7 you provide training to any of the
8 salesmen on how to handle any questions
9 regarding smoking and health?

10 A. Not to my knowledge.

11 Q. Was that -- were you ever asked
12 any questions from any of your customers
13 about smoking and health?

14 A. I was never asked one-on-one.

15 Q. All right. In some other form?
16 I mean, were the sales people coming back
17 to you saying, you know, we have been
18 having some folks asking questions
19 about --

20 A. I don't recall ever hearing a
21 single sales rep ask me or tell me that
22 they had been confronted by a customer or
23 a store person.

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1 Q. Did any sales reps ever ask you
2 what should they do if those kind of
3 questions were asked of them?

4 A. I'm going to be vague here. We
5 mentioned it -- I think we mentioned it at
6 a meeting or something to remain polite if
7 it ever came up and to leave the store. I
8 mean, we're not supposed to get into a
9 confrontation one-on-one. And if it was
10 the media, we were instructed to give them
11 the Winston-Salem number, and they could
12 talk to the public relations because they
13 had you know, they were more
14 knowledgeable of what to say. We had no
15 training program on how -- what to say in
16 defense or anything.

17 Q. And other than what you just
18 told me about, do you recall the subject
19 of smoking and health ever coming up at
20 any meetings at any time while you were
21 employed at R.J. Reynolds?

22 A. I don't recall it at all.

23 Q. Nobody ever -- did you ever --

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1 strike that.

2 Did you ever receive any
3 literature from R.J. Reynolds, within R.J.
4 Reynolds, about any issues regarding
5 smoking and health?

6 A. Not that I recall.

7 Q. Did, at any time while you were
8 employed at R.J. Reynolds, any customers
9 or sales people ever ask any questions
10 about contents or the constituents of any
11 of the products you were selling?

12 A. Let me see if I understand you.
13 You mean what went into a cigarette?

14 Q. Right.

15 A. No, that was never asked or
16 brought up, and I don't know to this day.

17 Q. So I assume that was something
18 that you all never trained any of the sales
19 force people on is what was in your
20 product?

21 A. No. That was never an issue. I
22 mean, we were to market the product and
23 increase distribution, and that was it.

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1 We didn't know what went in it and still
2 don't.

3 Q. Have you -- I noticed -- I don't
4 know if you've seen it. I think it's
5 Winston. I don't know what brand it is
6 that talks about no additives, billboards
7 and stuff like that?

8 A. I've seen the -- I've seen the
9 billboards where they took them down.

10 Q. Okay. Was that Winston --

11 A. Yes.

12 Q. -- if you know? And I didn't --
13 in any point in time, have you ever been
14 asked any questions about that even since
15 you've been -- since you left R.J.
16 Reynolds?

17 A. Never heard a comment one way or
18 the other, other than the fact that they
19 looked funny where they had no bull or
20 something on them. I don't know. But
21 nobody has mentioned the additives to me.

22 Q. What accounts were you
23 responsible for when you came to

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1 Birmingham in '86?

2 A. Bruno's, Big B, Winn-Dixie,
3 Shop-A-Snak, Williamson Oil. I think that
4 was it at that time. It shifted a little
5 bit after that.

6 Q. And how did you -- how did your
7 job differ as a chain accounts manager
8 than that of a division manager or
9 assistant division manager?

10 A. Chain accounts manager, I had
11 assigned chains that I called on. I was
12 to monitor all the data on those chains
13 and negotiate contracts and fixtures and
14 grand openings and do openings and
15 expansion. And as a division -- an
16 assistant division manager, I had
17 personnel responsibilities.

18 Q. Did you have anybody working
19 under you as a chain accounts manager?

20 A. Not at first.

21 Q. At some point in time, did
22 someone come to work to assist you?

23 A. Yeah, I had an assistant.

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1 Q. Who was that?
2 A. Marty Arfmann.
3 Q. How do you spell that last name?
4 A. A-r-f-m-a-n-n.
5 Q. Is he still around?
6 A. Yeah. The -- in this last
7 shuffle, he took an early out.
8 Q. Is he still living in
9 Birmingham?
10 A. To the best of my knowledge. I
11 don't -- that's been -- I haven't seen him
12 since February, so I don't know.
13 Q. I assume then before Marty came
14 to work with you, that you would handle
15 the Bruno's and Big B foks and all that
16 just one-on-one, you would go meet with
17 them yourself?
18 A. Right.
19 Q. And when you said negotiate
20 contracts and fixtures and things like
21 that, can you be a little more specific
22 and tell me what type of contracts?
23 A. A contract with a supermarket

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in
HUNTER

1 chain entails a space on the fixture. If
2 R.J. Reynolds furnished the fixture, they
3 wanted a certain amount of space, and they
4 paid for that space, and a certain brand
5 distribution in there and a certain amount
6 of signage on that fixture. And that's
7 what we negotiated. And there would be a
8 Phillip Morris space allocated and a
9 Lorillard space and B & W space.

10 Q. For instance, we'll just use
11 Bruncs as an example. When you
12 negotiated a contract for space with them,
13 was this something that was good
14 throughout all stores, or was it on a
15 store-by-store basis?

16 A. It varied because of the
17 different size of the stores. We had
18 several different contractual agreements
19 because of space. I mean, some stores had
20 a bigger end cap than others. Some wanted
21 the courtesy booths. Some were smaller
22 locations. You had to know something
23 about each one of the stores to base the

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1 number of the -- the contract was based on
2 the number of rows and the volume of the
3 chain. So the rows would change as the
4 store size changed or the space changed.

5 Q. Did you have ability to -- I
6 mean, did you have to go to the various
7 stores and make a determination as to
8 what --

9 A. Some of both. Some of both. I
10 visited a lot of them. Some of it was
11 three ways. Some of it I visited. Some
12 of it they furnished the information on
13 the store size. And then others we got
14 information from the salesperson working
15 that particular area. We would send them
16 a survey sheet, and they could tell me
17 exactly how many feet on the end cap or
18 what size fixture it was.

19 Q. How was the contract price
20 determined? Again, I'm not trying to be
21 redundant, but was there some leeway in
22 there to negotiate?

23 A. Well, the negotiation part came

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1 in the amount of space on the contract --
2 I mean, on the plan-o-gram given to the
3 different cigarette companies and where
4 they were positioned. So we would -- R.J.
5 Reynolds would draw up a plan-o-gram, you
6 know, with using our fixture and what
7 space we needed and program the rest of
8 the people in there, and then that was
9 where the negotiations took place.

10 Q. And how did it -- just so I can
11 understand this a little bit, how would
12 you go about trying to convince the folks
13 at Bruno's that they needed to use RJR
14 plan-o-grams and displays as opposed to
15 Phillip Morris or Brown & Williamson?

16 A. All we did was offer a fixture
17 that met their requirements, the height,
18 the width, the color, the security angle.
19 We used a share market figures based on
20 their shipments to their stores and showed
21 them that it would be profitable to take
22 the contract money and the fixture and put
23 R.J. Reynolds in the space.

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1 Q. Were Phillip Morris and Brown &
2 Williamson not doing the same thing?

3 A. Brown & Williamson didn't offer
4 fixtures at that particular point in time.
5 Phillip Morris did, but when Phillip
6 Morris offered one, it was a -- it was
7 more of an exclusive type situation. It
8 wasn't a share situation.

9 Q. Was Phillip Morris also paying
10 money for space?

11 A. Yes.

12 Q. How much money on the average
13 would you say -- I'm not talking about
14 company wide, but for an end cap, for
15 instance, how much would that cost R.J.
16 Reynolds in a Bruno's store?

17 A. How much would it cost them to
18 furnish this fixture; is that what you're
19 asking?

20 Q. Well, did -- in addition to
21 furnishing the fixture, did they also pay
22 monthly payments or give monthly discounts
23 off of purchase prices for products?

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1 A. They had a contract that was
2 based on the space that Bruno's allocated
3 to R.J. Reynolds on an R.J. Reynolds'
4 fixture, yes, and there was a contract
5 involved. The money, I -- it would
6 strictly be a guess because it's been so
7 long. Maybe three hundred bucks a month.
8 But that was for space, and it wasn't a
9 discount or anything. It was a check.

10 Q. Okay. That R.J. Reynolds sent
11 to the retailer based on the amount of
12 space that they allocated to your product?

13 A. Right. And at the end of each
14 quarter, if they were in compliance.

15 Q. Who determined compliance?

16 A. The sales force. The salesman
17 that was actually assigned to the
18 individual stores throughout the Bruno's
19 chain.

20 Q. So you would kind of -- when you
21 say sales force, you are talking about
22 R.J. Reynolds' sales force?

23 A. R.J. Reynolds.

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1 Q. So in addition to you being the
2 accounts manager, the other sales reps
3 would still have Bruno's stores that they
4 called on?

5 A. Right. Their function was to
6 make sure that the product was fresh and
7 rotated and that the tags were down for
8 the particular brands and that the brands
9 were being ordered and the rack was being
10 kept in compliance with the space
11 allocated by Bruno's to R.J. Reynolds.

12 Q. Did you -- or were you involved
13 in determining what products would receive
14 what space?

15 A. I don't know. I don't think I
16 understand the question.

17 Q. Well, in other words, I assume
18 you're negotiating for shelf space?

19 A. Yes.

20 Q. With the Bruno's stores?

21 A. Yes.

22 Q. Would you determine what
23 products received -- let's say, for

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1 example, they said, okay, we'll give you
2 -- I don't know how y'all do it -- you
3 know, four square feet or something, would
4 you, as an accounts manager, be involved
5 in what product received what percentage
6 of space there?

7 A. Sort of. We worked with the
8 buyer, and he had his -- he had his data
9 in front of him that showed the movement
10 by brand. And the main thrust of our
11 negotiations was to make -- to ensure that
12 every product that Bruno's carried of R.J.
13 Reynolds had enough space to handle the
14 customer demand for that particular week
15 or two week period, whenever they got
16 their order. Did that answer it? I don't
17 know

18 Q. Well, kind of. But I'm
19 wondering like, for instance, what if you
20 wanted to increase sales of a particular
21 brand? I mean, would you ask for more
22 space, even though their numbers didn't
23 exactly show that it was warranted, or was

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1 that handled through other ways of --

2 A. Usually that was handled at the
3 store level by a store manager or clerk
4 putting up. If they found that there was
5 not enough room for Winston or Camel or
6 whatever, then they would contact the
7 buyer, and the buyer would -- they had
8 that flexibility.

9 All we were renting was Xnumber
10 of rows on a fixture, and we -- you know,
11 we offered suggestions on -- based on the
12 share of the market and the movement in
13 that particular store or the chain how
14 many rows needed to be designated for
15 Winston and Marlboro -- I mean, Camel,
16 Salems, whatever. And it was up to the
17 individual stores, because the
18 demographics in every store changed. You
19 might have one store that moved more
20 Winston King than they did Salem or moved
21 more Salem than they did Winston King, and
22 we needed more rows. It was more of an
23 individual basis. I was just selling the

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1 space.

2 Q. Okay. On the display?

3 A. Basically.

4 Q. What about other promotional
5 stuff like discounts, product discounts or
6 giveaways?

7 A. Bruno's was not a
8 display-oriented chain. We did work a buy
9 down promotion on Dorals at one point, I
10 think, during my years of calling on them.

11 Q. What is a buy-down?

12 A. That's where we reduce the cost
13 to the consumer by two dollars or a dollar
14 a carton on a particular category or brand
15 or whatever. In this particular case, it
16 was Dorals.

17 Q. Was that done with other
18 products throughout R.J. Reynolds?

19 A. Periodically.

20 Q. Like Camels and Winstons?

21 A. Yes, yes.

22 Q. How did that work exactly?

23 A. We had two ways. One was we

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1 took accurate information on what they had
2 on hand, what they shipped during a
3 certain period, and what they had on hand
4 at the end, if you subtracted it, and you
5 found out exactly what was moved during
6 that period, and then we issued a check.

7 Then we also had a couponing
8 where coupons were placed on the
9 particular product, and that was redeemed
10 by the coupon companies, you know. There
11 was no payment involved there. And then
12 when we -- we tried another way, which we
13 had a force out of a -- you know, a
14 hundred cartons per store, fifty cartons
15 per store, or something of a select style,
16 and like Dorals, a dollar off.

17 Q. A carton?

18 A. Yeah.

19 Q. Did you or the other sales
20 people have any leeway with the types of
21 discounts the stores would get?

22 A. No.

23 Q. Like y'all couldn't, for

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1 instance, on a -- if you were having a
2 three dollar carton buy back, you had no
3 choice in the amount on a per pack
4 basis --

5 A. No.

6 Q. -- whether it be thirty cents or
7 twenty-eight cents or twenty-five cents?

8 A. No. Whatever was -- the work
9 plan was what we were. All stores were
10 given the opportunity, whether they were
11 convenience or a package outlet or a
12 carton outlet, to work either three
13 dollars or thirty cents, if that be the
14 case, or a dollar or a dime. We didn't
15 have a leeway of fifteen cents for this
16 one and twenty-one cents for this one. It
17 was straight.

18 Q. Well, let me ask you this. Did
19 you have -- I'm not talking about -- let's
20 say, if we don't divide it up on a per
21 store basis, if R.J. Reynolds authorized a
22 three dollar buy-back, would you, as a
23 division manager or accounts manager, have

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1 any abilities to decide how much of that
2 y'all were going to give the stores, not
3 on a -- assuming you treated them all the
4 same?

5 A. Let me see if I understand you.
6 Did we have allocation by store; is that
7 what you're asking?

8 Q. Well, did you, as a manager,
9 have the ability to control pricing at
10 all?

11 A. No. Everybody had the same
12 deal.

13 Q. Did you have the ability to
14 control whatever the same deal was
15 everybody was getting?

16 A. I don't think I understand that.

17 Q. In other words, could you --
18 instead of a three dollar buy back, could
19 you, as a manager, say, we're going to do
20 a two dollar buy back and make it twenty
21 cents a pack or whatever as opposed to --
22 or two dollars a carton as opposed to
23 three dollars a carton?

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1 A. No, I was not given that leeway.

2 Q. Who was responsible for
3 determining those, if you know?

4 A. I guess the marketing department
5 at Winston-Salem.

6 Q. How long were you the chain
7 accounts manager in Birmingham? Up until
8 the time you went to Williamson?

9 A. No. I was a regional operations
10 manager the last year I was with R.J.
11 Reynolds.

12 Q. What were your job duties and
13 responsibilities as a regional operations
14 manager?

15 A. I had a staff of four that
16 handled the distribution and the paperwork
17 involved in the whole Birmingham region.
18 One of them handled the merchandising
19 requests. Another one handled the
20 promotional allocations. Another one
21 handled the administrative. And then the
22 third was just a paperwork person -- I
23 mean the fourth.

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1 Q. What geographic territory did
2 you have as an operations manager?

3 A. We covered all of Alabama, just
4 a little bit of Georgia -- oh, Panhandle
5 of Florida. I'm trying -- this has been a
6 few years. I'm trying to think of where
7 the divisions were at that time. Part of
8 Georgia. Did I say that?

9 Q. Yeah. Florida Panhandle. Any
10 of Mississippi?

11 A. No.

12 Q. Tennessee?

13 A. Yes, Tennessee. That was the
14 other -- the eastern side of Tennessee,
15 Chattanooga and Knoxville.

16 Q. As a regional operations
17 manager, were you still responsible for
18 chain accounts or --

19 A. No.

20 Q. That was everything?

21 A. We handled all the requests from
22 all the different divisions, if they
23 needed envelopes or if they needed

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1 fixtures or -- we kept the payroll records
2 and all the personnel records.

3 Q. Would this include at that time
4 stores like Petrey Wholesale, wholesale
5 accounts?

6 A. Their data was in there. I
7 mean, that was one of my accounts.

8 Q. That encompassed -- you had
9 responsibility over, for instance, Petrey?

10 A. No. I just had the information.

11 Q. Okay.

12 A. I mean, along with every other
13 wholesaler in Georgia and Tennessee.

14 Q. Sure.

15 A. You know, I mean, all that data
16 flowed into the region, and it was -- it
17 was just there. I mean, you know, if
18 someone needed it in that division, we had
19 it.

20 Q. You mentioned you had some folks
21 helping you deciding things like
22 merchandising requests. What do you mean
23 by that?

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1 A. If -- if a division needed a
2 particular fixture or some kind of signage
3 for an account, they would send in the
4 form to my merchandising person, and he
5 would order it from Winston-Salem.

6 Q. Are these division managers that
7 are reporting to you now then?

8 A. They -- basically, I -- well, I
9 can't say they reported to me. I was just
10 -- we had a regional manager, and I was
11 just the operations manager. I took care
12 of all the everyday operations. If they
13 needed a van, we would order the van
14 through us. If they needed a new
15 computer, they ordered it through us. If
16 they needed fixtures for their stores.
17 Paying payments on their rental buildings
18 where they kept a lot of their supplies.
19 We were more of a maintenance --

20 Q. When you say --

21 A. -- administrative.

22 Q. You're saying they. Are you
23 talking about --

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1 A. Sales reps --
2 Q. -- sales force?
3 A. -- and divisions, yeah.
4 Q. Okay. Who was your -- who was
5 the regional manager?

A. Frank Tate.

Q. Let me ask you this, too. As
far as -- I assume with the sales force,
y'all are out there trying to increase
your market share?

A. Yes.

Q. How do you go about doing that
in this business --

A. Ensuring --

-- from a salesman's standpoint?

A. Ensuring that your product is
fresh, displayed correctly, the right
number of product on hand to handle the
consumer demand and the proper lineup of
our products that match the demographics
of that area.

Q. Do you have any opinion as to
the rank and importance of any of those?

1 A. I would say probably adequate
2 inventory to handle the demand. Secondly,
3 the freshness and -- of the product.
4 Third would definitely have to be the
5 right product for the right location.

6 Q. And that's demographics?

7 A. Yes.

8 Q. How was that determined?

9 A. Just based on the movement of
10 all the other brands and brand styles in
11 that particular location.

12 Q. Is that something that the sales
13 force would be actively involved in or
14 furnishing their customers that
15 information?

16 A. Customers would probably furnish
17 them the information, or they could tell
18 by just looking at the -- I mean, looking
19 at the display and wherever the brands
20 were. They could tell if we had -- R.J.
21 Reynolds had the proper brands to match
22 the competitive brands. If it was a heavy
23 box outlet, you would want to make sure

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1 that you had your boxes in there. If it
2 was a 100 outlet, you know, one that they
3 sold more 100s, you would want to make
4 sure that you had the proper 100 products
5 and the amount of inventory in there to
6 match it.

7 Q. Well, did y'all -- other than it
8 seems like -- and again, I'm not trying to
9 put words in your mouth. Straighten me
10 out if I'm wrong on this. It seems like
11 what y'all are doing is just more of
12 maintaining. In other words, do you
13 actually, as a sales force, have any
14 ability to influence brand preference or
15 brand switching or anything like that?

16 A. The only way that we affected it
17 was through follow the work plan that was
18 generated out of Winston-Salem and
19 properly implement whatever they felt like
20 would make our brands the most appealing
21 to a competitive smoker. And that's what
22 our function was.

23 Q. Can you give me any examples of

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1 that situation where Winston-Salem came up
2 with some marketing plan to get somebody
3 to switch brands?

4 A. Basically our work plan every
5 month was generated around that policy,
6 and that was, if Winstons was the
7 promotional choice for that month, that's
8 what we worked, and Salems one month,
9 Dorals one month, Camels one month,
10 Vantage one month. They had the marketing
11 plan designed for the country, and that's
12 where we worked. You know, if we were a
13 heavy Winston area, that's where we
14 worked.

15 Q. Well, were you ever furnished
16 information about what competitors' brands
17 you were trying to switch folks from?

18 A. Oh, yes.

19 Q. For instance, with Camels, when
20 y'all tried to increase your market share
21 of Camels, where were you trying to get
22 that from?

23 A. From Marlboro and Marlboro

1 Light.

2 Q. And as a salesperson, what would
3 you do with that information?

4 A. If it was a heavy Marlboro,
5 Marlboro outlet, we tried to feature
6 Camels in the number one position on our
7 display fixtures.

8 Q. When you say number one
9 position, what are you referring to?

10 A. Well, if it was a three-tray
11 counter display in a convenience store, we
12 would want to be sure that Camels was on
13 the top tray. If it was a supermarket, we
14 would want to ensure that Camels was in a
15 prime position below the signage on our
16 fixture so that it tied it in together.

17 Q. Did any of that ever involve
18 trying to acquire more counter space from
19 Phillip Morris?

20 A. No.

21 Q. What about Winstons, do you know
22 who your primary competitor was or what --

23 A. I would say probably Marlboros,

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1 too.

2 Q. Did you ever receive any
3 information other than -- well, let me
4 just show you what has been marked as --
5 for -- these are written as Hinson depo
6 exhibits.

7 MR. ESDALE: I tell you what,
8 why don't we take a break and let him look
9 at those.

10 A. (Witness complies.)

11 (Brief recess.)

12 Q. (BY MR. ESDALE) Did you get a
13 chance to look at these?

14 A. Yes.

15 Q. Have you ever seen either one of
16 these exhibits before?

17 A. No.

18 Q. Do you know J.P. McMahon?

19 A. Yes.

20 Q. When is the last time you have
21 seen or talked to him?

22 A. Ten or fifteen years ago. I
23 knew him when he was a salesman or

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1 assistant division manager, something
2 another. I didn't know him after he got
3 to Florida. I mean, I never was in
4 contact with him.

5 Q. Did you ever hear anything
6 within the company about this January
7 10th, 1990 memo he sent out?

8 A. I knew that something had
9 happened. I didn't know exactly what.

10 Q. When you say something had
11 happened, what was your understanding?

12 A. Just in a letter that he had
13 written had gotten out -- I mean, or was
14 written poorly, and he was in trouble.
15 And that's all I knew and nothing else.

16 Q. Okay. What about Exhibit 2,
17 have you ever seen that before at all?

18 A. Never even heard of that person.

19 Q. Have you ever -- are you
20 familiar with the term young adult market?

21 A. Yes.

22 Q. What does that mean to you?

23 A. Someone twenty-five to

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1 thirty-five.

2 Q. Is that a term that is used in
3 promotion and advertising or within the
4 sales force?

5 A. By all companies.

6 Q. Okay. Within R.J. Reynolds,
7 too?

8 A. I'm sure.

9 Q. Just from Exhibit 2, the first
10 paragraph says, "Due to a revision in the
11 definition of what is a Retail Young Adult
12 Smoker Retailer Account," have you ever
13 heard that term used before?

14 MR. STUHAN: What term?

15 MR. ESDALE: Young adult --
16 retail young adult smoker retailer
17 account.

18 A. No, I've never heard that.

19 Q. (BY MR. ESDALE) Are you
20 familiar with or have you ever been
21 informed of any definitions of terms like
22 that?

23 MR. STUHAN: I object to the

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1 question. I can't imagine what term is
2 like that term.

3 A. I'm not sure I understand what
4 you're asking either.

5 Q. (BY MR. ESDALE) Well, I didn't
6 know -- again, I'm just looking at a memo
7 apparently from a division manager in the
8 sales department, I assume, and he's
9 talking about a definition of what type of
10 account deals with a young adult smoker.
11 I didn't know if there's some types of a
12 booklet or if y'all, as division managers
13 and account managers, are familiar with
14 some types of definitions officially. I
15 mean I don't know who changed --

16 A. Not -- not to my knowledge. I
17 don't know where this -- why he said
18 revision or definition and -- like I said,
19 what my people, when my sales reps were
20 working accounts, we looked at -- if it
21 was a heavy Marlboro outlet, then we
22 worked a Camel product, because Camel had
23 the best chance against a Marlboro

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1 product. We didn't -- we didn't isolate
2 them down as young adult, senior citizen,
3 cowboys, or whatever. I mean, they were
4 just -- we looked at the volume of the
5 store, the inventory levels, and the brand
6 lineup, and we based our work plan on
7 that.

8 Q. Let me ask you this. Earlier
9 you had mentioned demographics. What did
10 you mean by that term?

11 A. The way that I positioned it, if
12 -- if it was a heavy ethnic outlet where
13 Newports and Kools were selling, then we
14 needed to put Salems in the top tray. If
15 it was a heavy Marlboro volume outlet,
16 then we needed to work Camels. If it was
17 an affluent area where they sold a lot of
18 Merits or Ultra Lights, we tried to work a
19 Vantage product. That was the
20 demographics I'm talking about.

21 Q. What -- is there any type of
22 smoker that you would associate with the
23 use of Marlboro or Marlboro Lights?

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1 A. Lately everyone.

2 Q. What about in, say, the '80s?

3 A. I would say that the younger
4 generation, not the senior citizens. I
5 would think that the twenty-five to
6 thirty-five age bracket was the heavy
7 users of Marlboro, Marlboro Light.

8 Q. Did you ever receive at any time
9 any requests asking you to identify any
10 accounts that were frequented by young
11 adult shoppers?

12 A. Not to my knowledge.

13 Q. Do you know of or did you ever
14 ask any of your sales force or anybody to
15 perform any tasks like that, identifying
16 retail outlets that had a heavy young
17 adult market?

18 A. No, not -- never. The only
19 thing I asked them to do, if it was a
20 heavy Marlboro customer, as I stated
21 before, if it was a lot of volume in
22 Marlboros, we tried to put Camels in
23 there, and that was what I instructed them

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1 to do.

2 Q. Have you ever had any
3 conversations with other employees within
4 R.J. Reynolds where they thought it would
5 be a good idea to obtain information on
6 stores that had a heavy young adult
7 market?

8 A. No.

9 Q. Are you familiar with any
10 terminology YA1 or YA2?

11 A. No. I saw that in there. I've
12 never seen that before.

13 Q. Have you ever heard that
14 terminology used anywhere?

15 A. Not to my knowledge.

16 Q. Do you follow demographics now
17 at all in the job that you have today?

18 A. We do -- we do not have the
19 capabilities yet. We will soon have. I'm
20 trying to train the account managers that
21 I have now to start looking around at the
22 store for product lineup based on where
23 the store is and the demographics within

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HUMPHREY

1 the store.

2 Q. Do you have any contact with
3 R.J. Reynolds employees today?

4 A. Very, very limited.

5 Q. Is there a -- who took your
6 position when you left, if you know?

7 A. Bo Wass, James Wass. He's no
8 longer --

9 Q. How do you spell his name?

10 A. W-a-s-s. But he's not with the
11 company anymore.

12 Q. Do you know who is in his spot
13 now?

14 A. A person named Tim Carpenter.

15 Q. Would that be the -- just so I'm
16 straight -- the regional operations or --

17 A. No. They closed this region
18 here

19 Q. Okay. So that --

20 A. He's the chain accounts manager.

21 Q. Tim Carpenter?

22 A. Yeah. And James Wass took my
23 place as chain accounts manager when I

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1 became region. And then they closed the
2 region, and they left the chain here.

3 Q. Is there a division manager
4 still?

5 A. Yes.

6 Q. Who is that?

7 A. Dennis Hightower.

8 Q. And what division, or did they
9 consolidate divisions? Let me tell you
10 why I'm asking.

11 A. Okay.

12 Q. It's my understanding earlier
13 that I think Mr. Hinson testified -- and I
14 might have messed up in not asking about
15 the proper times -- but there was a
16 Huntsville division, a Birmingham
17 division, and a Montgomery division.

18 A. Yes.

19 Q. So is that still the way it is
20 today?

21 A. No. There's a Birmingham
22 division, to the best of my knowledge.
23 I'm not with them, so -- you know, but

1 I've known Dennis for years, and there is
2 a Birmingham division that he is the
3 division manager of.

4 Q. Do you know when they did away
5 with the Montgomery or Huntsville
6 divisions?

7 A. Huntsville was just recently, I
8 mean, like a month or two months ago. I
9 don't know. Montgomery was the year that
10 I was regional operations manager, right
11 before that or right in during that time,
12 so, what, '94 or something. Yeah, I think
13 so. I don't know exactly, I mean, you
14 know. They still have account managers or
15 sales reps that work the area. They just
16 -- they work out of a different division
17 office.

18 Q. I assume Dennis can answer all
19 those questions?

20 A. Yeah. He knows the whole
21 structure, I'm sure.

22 Q. And do you still actually get
23 called on by R.J. Reynolds folks?

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1 A. No. We have a buyer at City
2 that they call on. I just talk to Dennis
3 because I have known him. I mean, they
4 call every once in a while.

5 Q. You don't have any interaction
6 with them regarding shelf space or display
7 space --

8 A. No.

9 Q. -- or anything like that?

10 A. We have their -- their phone
11 number printed in the front of our books,
12 and it's up to the individual store to
13 call on Reynolds, Phillip Morris, B & W,
14 whoever to get the fixtures. We don't
15 negotiate any of that.

16 MR. ESDALE: Okay. That's all
17 I've got.

18 FURTHER DEPONENT SAITH NOT

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22
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C E R T I F I C A T E

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, TERRY CRUTCHFIELD, R.P.R.,
HEREBY CERTIFY THAT THE ABOVE AND
FOREGOING DEPOSITION WAS TAKEN DOWN BY
ME ON COMPUTERIZED STENOTYPE, AND THE
QUESTIONS AND ANSWERS THERETO WERE
TRANSCRIBED BY ME, AND THAT THE
FOREGOING REPRESENTS A TRUE AND
CORRECT TRANSCRIPT OF THE DEPOSITION
GIVEN BY WITNESS UPON SAID HEARING.

I FURTHER CERTIFY THAT I AM
NEITHER OF COUNSEL, NOR OF KIN TO THE
PARTIES IN THE ACTION, NOR AM I IN ANYWISE
INTERESTED IN THE RESULT OF
SAID CAUSE.

TERRY E. CRUTCHFIELD
COMMISSIONER

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<p>-1-</p> <p>'68 [3] 16:18,21 19:9 '73 [3] 16:21 18:21 19:9 '77 [2] 19:8 20:1 '80s [1] 56:2 '85 [3] 22:20,22,23 '86 [3] 24:1,1 28:1 '94 [1] 60:12 '95 [2] 16:12,12 '96 [1] 16:12 '97 [1] 9:11</p>	<p>-9-</p> <p>901 [1] 5:21</p> <p>-A-</p> <p>A-r-f-m-a-n-n [1] 29:4 a.m. [2] 2:13 7:11 abilities [2] 41:1 48:14 ability [3] 31:5 41:9,13 above [2] 7:11 62:7 accordance [1] 3:2 account [12] 9:18 10:2 10:13,14,20 45:3 53:12 53:17 54:10,13 57:20 60:14</p>	<p>amount [8] 14:3,8 30:3,5 32:1 34:11 40:3 48:5 angle [1] 32:18 Anniston [1] 14:20 answer [2] 36:16 60:18 ANSWERS [1] 62:10 ANYWISE [1] 62:17 appealing [1] 48:20 APPEARING [3] 5:3 5:11 6:4 April [1] 22:15 area [8] 23:18,20,21 31:15 46:21 49:13 55:17 60:15 Arfmann [1] 29:2 assign [1] 2:18 assigned [3] 17:15 28:11 34:17 assignment [2] 20:4 21:3 assist [1] 28:22 assistant [8] 10:9 20:10 20:13 22:4 28:9,16,23 52:1 associate [1] 55:22 assume [10] 8:1 11:9 19:18 20:5 26:17 29:13 35:17 46:8 54:8 60:18 assuming [1] 41:3 authorized [1] 40:21 Avenue [2] 5:21 6:7 average [1] 33:12 away [1] 60:4</p>	<p>bit [6] 9:22 20:18 23:5 28:5 32:11 43:4 Bo [1] 58:7 Bob [1] 8:9 book [1] 21:9 booklet [1] 54:12 books [1] 61:11 booths [1] 30:21 bought [1] 9:3 box [1] 47:23 boxes [1] 48:1 bracket [1] 56:6 brand [9] 27:5 30:4 36:10 36:21 38:14 47:10 48:14 48:15 55:5 brands [10] 12:14 35:8,8 47:10,19,21,22 48:20 49:3 49:16 break [2] 16:5 51:8 Brief [1] 51:11 brought [1] 26:16 Brown [3] 32:15 33:1,3 Bruno's [12] 28:2 29:15 30:11 32:13 33:16 34:2 34:18 35:3,11,20 36:12 38:7 brushes [1] 10:6 bucks [1] 34:7 Building [3] 2:10 5:14 7:8 buildings [1] 45:17 bull [1] 27:19 business [5] 10:19 15:10 15:11,12 46:13 buy [4] 38:8 40:2 41:18 41:20 buy-back [1] 40:22 buy-down [1] 38:11 buyer [4] 36:8 37:7,7 61:1</p>	<p>carried [1] 36:12 carton [6] 38:14 39:17 40:2,12 41:22,23 cartons [3] 17:23 39:14 39:14 case [3] 1:4 38:15 40:14 category [5] 11:19,22 13:14,20 38:14 cents [7] 40:6,7,7,13,15 40:16 41:21 certain [5] 15:3 30:3,4,5 39:3 certify [3] 7:2 62:7,15 chain [17] 22:23 23:8,10 23:19 28:7,10,19 30:1 31:3 34:19 37:13 38:8 42:6 43:18 58:20,23 59:2 chains [4] 23:9,18 28:11 28:12 chance [2] 51:13 54:23 change [2] 20:13 31:3 changed [5] 14:4 31:4,4 37:18 54:15 charge [1] 9:18 Charleston [1] 22:14 Charlotte [1] 20:11 Chattanooga [1] 43:15 check [2] 34:9 39:6 check-off [1] 21:22 cheese [1] 11:3 Chevron [1] 15:7 chewing [5] 18:4,6,8,11 19:12 choice [2] 40:3 49:7 Christmas [1] 22:22 cigar [1] 13:20 cigarette [3] 17:22 26:13 32:3 cigarettes [7] 11:3 12:21 12:22 14:2,3 17:17 19:22 cigars [2] 12:11 13:23 CIRCUIT [1] 1:1 citizen [1] 55:2 citizens [1] 56:4 City [8] 8:18,20 9:7,17 11:17 13:4,18 61:1 Civil [2] 3:3 7:4 Clark [3] 2:10 5:14 7:8 clerk [1] 37:3 Cleveland [1] 5:22 closed [3] 23:7 58:17 59:1 code [2] 21:1,21 color [1] 32:18 combination [1] 14:23 coming [2] 24:16 25:19 commencing [2] 2:12 7:10 comment [1] 27:17 Commerce [1] 5:7 Commissioner [6] 1:18</p>
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21	
22	DATE
23	ROBERT HUFFMAN

AMERICAN COURT REPORTING
405 New South Federal Bank Building
215 North 21st Street
Birmingham, Alabama 35203
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SIGNATURE

ROBERT HUFFMAN

I HEREBY ACKNOWLEDGE THAT I HAVE
READ THE FOREGOING DEPOSITION AND THAT THE
SAME IS A TRUE AND CORRECT TRANSCRIPTION
OF THE ANSWERS GIVEN BY ME TO THE
QUESTIONS PROPOUNDED, EXCEPT FOR THE
CHANGES, IF ANY, NOTED ON THE ATTACHED
ERRATA SHEET.

SIGNATURE:

DATE:

Robert Huffman
7/12/99

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